IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

MFA.No. 1009 of 2002()

OPMV.1872/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA

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APPELLANT: PETITIONER

AYYA W/O. SAMIKUTTY, NANDIRIKKATH HOUSE
VELLIKULANGARA, KUTTICHIRA VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS: RESPONDENTS

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1. M.N.BALAN, MANTHALIRUMPARA, 20/142,
ASOKA LANE, ALUVA.

2. SHAJI S/O. GOPALAN, KAVITHA NIVAS,
THAIKKATTUKARA, ALUVA.

3. BRANCH MANAGER, THE ORIENTAL
INSURANCE COMPANY, SHAAN COMPLEX, 1ST FLOOR,
MATTANCHERRY

R3 BY ADV. SRI.S.MAMMU

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

M.F.A.No.1009 of 2002

Dated, this the 20th day of November, 2007

JUDGMENT

The petitioner in O.P.(MV) No.1872/1995 on the file of the Motor Accidents Claims Tribunal, Irinjalakuda is the appellant. Appellant met with a motor vehicle accident on 29.9.1995. She filed Original Petition claiming compensation. Owner and driver did not contest. Insurer alone contested the matter. Tribunal found that accident occurred due to the negligence of the driver of the vehicle and the appellant is entitled to get compensation. Tribunal awarded Rs.45,400/- as compensation. Dissatisfied with the quantum of compensation appellant/claimant herself has filed this appeal.

2. The only question arising for consideration is whether the appellant is entitled to get any additional amount as compensation. Appellant was granted an amount of Rs.5,000/- towards loss of amenities, discomfort and inconvenience. Considering the nature of injuries I am of the view that the appellant is entitled to get Rs.5,000/- more on that count. But I do not find any reason to interfere with the amounts awarded on any other count.

In the result, appeal is allowed in part. An award is passed in favour

of the appellant authorising her to recover Rs.5,000/- more with interest at the rate of 12% per annum from the date of petition till the date of realisation. Insurer is directed to deposit that amount also. On deposit, the appellant can withdraw the entire amount.

K. PADMANABHAN NAIR,
JUDGE.

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K.PADMANABHAN NAIR, J.

M.F.A.No.1009 of 2002

JUDGMENT

20th November, 2007.